Supreme Court, U.S.
FILED
MAR 11 2002
CLERK

NO. 01-1029

In The
Supreme Court of the United States

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In re:
RALPH URBAN,
Debtor/Petitioner

v.

WILLIAM C. HURLEY, *et al.*,
Respondents.

****

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Second Circuit
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SUPPLEMENTAL BRIEF IN SUPPORT Of PETITION FOR CERTIORARI

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RALPH URBAN
Debtor/Petitioner
PO Box 1010
New York, NY 10276

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SUPPLEMENATAL QUESTIONS PRESENTED

S1. Is there a 9th Amendment right (retained by the people) to hire an attorney in a civil trial.

And, if petitioner is a mentally disabled person (under the Americans with Disabilities Act;) is the denial of continuance to retain counsel, a denial of due process, and/or equal protection.

S2. Is there a 7th Amendment right to a Jury Trial in a bankruptcy Adversarial Complaint.

S3. Given that in *Evans v Abney*, 396 US 435, (1970), this Court held that Reversion of title to real estate occurs automatically the moment an intervening conveyance lapses for any reason. And, given Reversion is an issue pending before this Court (Q6, pet cer;) does lower bankruptcy court have jurisdiction to defy this Court, and proceed with a "trial" involving the same subject matter.

S4. Whether the mere listing of Property in the bankruptcy Schedules (as Estate property) protect that property (automatically) under the "Code" 11USC362(a)(4) against any and all "foreclosures;" rendering any offending "foreclosure" VOID by operation.

S5. Does lower bankruptcy court have Jurisdiction to re-try the legality of an unsanctioned post-petition "tax foreclosure," (void by operation,) as a back door way to "legitimize" that "foreclosure" where NO Judgment of Foreclosure from any Court

("transferring title") exists. And is such a "trial" a denial of due process or equal protection.

S6. Whether a lower court and adverse parties, are bound by a prior US Circuit Court decision (on appeal,) that prior lower court orders (BC/SD, regarding 73 acres,) are NOT "final," thus not review able.

And is it a denial of due process or equal protection, for a lower court (BCWD) to then defy the US Circuit Court and entertain Summary motions that call the orders "final."

I. PETITIONER HAS BEEN THE VICTIM OF DENIAL OF EQUAL PROTECTION AND DUE PROCESS FOR 14 YEARS.

The trial held on February 21, 2002, without me, after denying me leave to retain counsel, or conduct discoveries; and without a Jury (demanded as of right,) and ignoring Petition for Ceriorari in this Court; is but the latest example of the abuse I have suffered for the past 14 years.

For example, in mid February 1988, Hurley set foot on my horse farm and identified himself as "attack dog" for local politicians (alarmed at my public commercials,) giving him "full support" to make a "public example" out of me for having used my First Amendment right to criticize.

For the past 14 years Hurley has enjoyed the full support of County Officials, including providing Hurley with lawyers (drawing papers for him – which Hurley would then file in the adversarial complaint as a "pro-se.") The county also illegally changed the tax maps and conducted an illegal (VOID) post-petition "tax foreclosure" (without lifting the Automatic Stay) and "sold" this Estate Property (listed in the Schedules, the Adversarial Complaint, and a duly recorded Lis Pendens as Estate Property) to Hurley.

Hurley gloated he's a political "Power Broker" in that neighborhood, and proved it in 1990, by brokering a Quid pro Quo, with a state judge fixing the state case (below;) resulting in two pre-petition

state court judgments that were challenged as 14th Amendment violation of the "taking clause" in pre-petition state court appeals pending at the time of Bankruptcy filing, and re-iterated in my Adversarial Complaint.

For the past 14 years Hurley has refused pay me anything for the land (even after bankruptcy filing;) and has refused to buy me out "at any price;" and also refused to sell me his interest "at any price."

For the past 14 years Hurley made it clear that his "intent" is to "run" me and my horses "off" that land (all 103 acres,) without paying me "a dime," for any of the land. He stated he will do this because he has "the Courts" and the "local politicians" on his "side" etc.; and that "no one" is going to "lift a finger" for me because of discrimination against me.

II. IT'S UNCONSCIONABLE TO DENY ME (a mentally disabled person) A CONTINUANCE TO HIRE AN ATTORNEY FOR A COMPLEX TRIAL.

What happened on 2-21-02, (a hasty illegal trial under the pretense of expediting "disposition" of the case,) is **a classic example** of why this case has gone on for 14 years – and is NO closer today to being resolved than it was 14 years ago.

So if this Court does NOT exercise its Jurisdiction over this case; it may go on for another 14 years; because EVERY Court that touches this case adds one or two more layers of complications. For example, on 2/21/02 Judge Ninfo, ruled that Haag's 1991 pre-petition state court Rescission

Judgment returning her down payment and effectively canceling her purchase of 73 acres (WHICH RETURNED TITLE TO ME BY OPERATION,) to be "invalid" because it is "inconsistent" a (1992 post-petition) Order from BC/SD, allowing a 365 Rejection of the Hurley contract; and with the county's post-petition "tax foreclosure." This is an absurdity, because Federal Courts do not have Jurisdiction to void a pre-petition state court final Judgment, except for Unconstitutionality; and most certainly NOT for political reasons to make a determination "easier." This is like a mother drowning a couple of her kids in the bath tub, because she has "too many" kids in the house, and they are "too conflicting" to deal with all at once.

On February 21, 2002, trial transcript, bankruptcy Judge Ninfo II, also admitted the reason he denied me a continuance to hire an attorney, is because he did not "believe" I would actually hire one; and instead thought I would just use the continuance as a "delay tactic." Why would I want to delay a case that makes me puke?? Unless I like to puke, which I most certainly DO NOT!! And another thing; where is the "fire?" after all I do have a Petition for a Certiorari pending with this Court. And am I not (also) entitled to conduct some discoveries, as my attorney may proscribe ??

Judge Ninfo II, accused me of not having had an attorney in 14 years, which is not true; to support his speculation I would not have hired an attorney ANYWAY if granted continuance to do so. The fact is, I did hire various attorneys in the 2 pre-

petition state cases in the Western District, which ended up on appeal in the 4th Department. And it may be true I have done things primarily "pro-se" in the Southern District for ten (10) years; but then I live a short walking distance from the Courthouse, and that is a BIG difference from driving in hazardous icy highways for ten (10) hours ONE WAY!! all other things aside.

Also I find it a tragedy, that Courts treat the Jury Demand as a "nuisance." Which is an Omen as to what lies around the turn. The ultimate collapse of America (if it happens soon) will NOT come through any "invading army;" but through the collapse of Public Confidence which is accelerating by metes and bounds. As far as I'm concerned this Court is the only thing standing in the way of the immediate collapse of American Civilization.

III. THE TRIAL JUDGE WAS INTRIGUED.

Judge Ninfo II, indicated in transcript he did not know much about tax foreclosure law, but was intrigued at how the County Treasurer (a person with no legal training, who gave vague answers to simple questions,) could just write up and sign a deed "taking" title to land away from some poor sap, and "transfer" it to her employer the County, without any Judgment of Foreclosure from any Court, nor judicial supervision of any sort. Especially, given that a private employee of a private corporation doing that would go to JAIL.

Justice should not merely be intrigued at something like that, Justice should be outraged.

Especially since the "foreclosure" was for pre-1990 taxes in the County's Proof of Claim#3 against me.

I find it unconscionable for a judge who confessed he knows little about foreclosure law, and proved it with the weak questions he asked, and the vague and incompetent answers that he settled for, to go forward with a "trail" of my complaint without me, and without letting me hire an attorney, or conduct any discoveries, etc.

IV. WITNESSES LIED AT THE "TRIAL"

I could not be there (at trial to cross exa.) and I was denied a continuance to hire an attorney; therefore:

County treasurer lied denying I ever complained of having an "interest" in the 75 acres; ignoring my many phone calls, faxes, copies of my Lis Pendens, adv. Complaint, Chap 11 filings, and even Motion in BC/SD to Block the foreclosure Sale.

Haag lied by (following the Court's lead) that the "ONLY" reason she signed off on correction deed was to remove Tuttle from title. It is no co-incidence that is the only part of that deed that has no legal effect. NO mention was made of the $2,000.00 cash she received in my buy back of 2 acre horse barn, etc.

CONCLUSION

I am entitled to have the 2/21/02 proceeding declared a Mistrial, and a certiorari of this whole sorry affair.

RALPH URBAN,
Petitioner/debtor
PO Box 1010
New York, NY 10276